

ESTTA Tracking number: **ESTTA819366**

Filing date: **05/08/2017**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Jaguar Land Rover Limited
Granted to Date of previous extension	05/07/2017
Address	Abbey RoadWhitley Coventry, CV3 4LF UNITED KINGDOM
Attorney information	Jennifer K. Ziegler Brooks Kushman PC 1000 Town Center Southfield, MI 48075 UNITED STATES jziegler@brookskushman.com, rlederman@brookskushman.com, mdorosh@brookskushman.com

Applicant Information

Application No	79190155	Publication date	11/08/2016
Opposition Filing Date	05/08/2017	Opposition Period Ends	05/07/2017
International Registration No.	0582886	International Registration Date	07/22/1991
Applicant	PUMA SE Puma Way 1 GERMANY		

Goods/Services Affected by Opposition


Class 012. First Use: 0 First Use In Commerce: 0


Opposed goods and services in the class: Boats, including motor boats and sportsboats; ski lifts; motorized golf carts; baby carriages and carts; wheelchairs for sick persons

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols, or brings them into contempt, or disrepute	Trademark Act Section 2(a)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	871170	Application Date	12/01/1967
Registration Date	06/17/1969	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 012. First use: First Use: 0 First Use In Commerce: 0 MOTOR CARS		

U.S. Registration No.	1562075	Application Date	03/06/1989
Registration Date	10/24/1989	Foreign Priority Date	NONE
Word Mark	JAGUAR		
Design Mark			
Description of Mark	THE MARK CONSISTS OF A LEAPING JAGUAR ABOVE THE TERM "JAGUAR".		
Goods/Services	Class 012. First use: First Use: 1983/02/00 First Use In Commerce: 1983/02/00 AUTOMOBILES AND STRUCTURAL PARTS THEREOF		

Attachments	72286150#TMSN.png(bytes) 73784806#TMSN.png(bytes) Notice of Opposition PUMA and Leaping Feline.pdf(51672 bytes)
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Signature	/jennifer ziegler/
Name	Jennifer K. Ziegler
Date	05/08/2017

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Trademark Application

Serial No.: 79/190,155

Filed: April 13, 2016

Trademark: PUMA and Design 

Published in the Official Gazette on November 8, 2016

Atty. Docket No.: JAGW7909OC

Jaguar Land Rover Limited,)	
)	
Opposer,)	
)	Serial No. 79/190,155
v.)	
)	Opposition No. _____
PUMA SE,)	
)	
Applicant.)	

NOTICE OF OPPOSITION

VIA ELECTRONIC FILING
Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451


Sir/Madam:



Opposer, Jaguar Land Rover Limited, a United Kingdom private company limited by shares, having a principal place of business at Abbey Road, Whitley, Coventry CV3 4LF, United Kingdom (“Opposer”), believes that it is and will continue to be damaged by the registration of the PUMA and Design trademark in the name of PUMA SE (“Applicant”) shown in U.S. Trademark Application Serial No. 79/190,155, and hereby opposes the same.

Requests for an extension of time to oppose were filed on December 5, 2016 and March 7, 2017 and were granted, extending the time to file to May 7, 2017.


As grounds of opposition, Opposer alleges that:

1. Opposer and its predecessors have manufactured and sold vehicles, vehicle parts and accessories, and a wide variety of related automotive and non-automotive goods and services worldwide for over 80 years.

2. For over 75 years, Opposer has owned and used the Jaguar Leaper Device  (“Opposer’s Mark”) in connection with motor vehicles, vehicle parts and accessories, and related automotive and non-automotive goods and services in the United States and throughout the world.

3. In the United States, Opposer is the owner of, among others, U.S. Trademark Registration No. 871,170 for the Leaper Device  in class 12; and Registration No. 1,562,075 for the Leaper Device  **JAGUAR** in class 12. These registrations are valid and subsisting, uncanceled, and unrevoked, and have been made incontestable in accordance with the Trademark Act.

4. Opposer has expended considerable time, effort, and expense in advertising and promoting Opposer’s Mark and the goods and services associated with it throughout the United States, with the result that the purchasing public has come to know and recognize products and services of Opposer by Opposer’s Mark. Opposer has exceedingly valuable goodwill established in Opposer’s Mark.

5. Applicant is seeking to register PUMA and Design  (“Applicant’s Mark”) as a trademark for the following goods:

Boats, including motor boats and sports boats; bicycles, including racing and track bicycles and sports bicycles; bicycle accessories, namely, nets, luggage carriers, bells, air pumps, tire repair kits, anti-theft and safety locks for bicycles; ski lifts; motorized golf carts; baby carriages and carts; wheelchairs for sick persons; in Class 12.

This is evidenced by publication of the mark in the *Official Gazette* on November 8, 2016. Applicant filed this International Application on April 13, 2016. The Notice of Opposition addresses the following goods: Boats, including motor boats and sports boats; ski lifts; motorized golf carts; baby carriages and carts; wheelchairs for sick persons; in Class 12 (“Contested Goods”).

6. There is no issue as to priority. Opposer used, filed, and registered Opposer’s Mark in connection with its goods long prior to Applicant’s April 13, 2016 filing date.

7. Upon information and belief, Applicant did not use Applicant’s Mark in connection with the Contested Goods prior to Opposer’s first use of Opposer’s Mark.

8. Applicant’s Mark for the Contested Goods is highly similar to Opposer’s senior Mark.

9. Because the purchasing public has come to recognize and associate the goods of Opposer by Opposer’s Mark, Applicant’s proposed Mark for the Contested Goods would be recognized as uniquely and unmistakably identifying or suggesting a connection to Opposer.

10. Opposer is not connected with the Contested Goods sold (or intended to be sold) by Applicant under Applicant’s Mark.

11. The fame and reputation of Opposer is such that, if Applicant’s Mark is used with the Contested Goods, a connection with Opposer will be presumed.

12. Applicant’s Mark in Application No. 79/190,155 is highly similar to Opposer’s Mark and the Contested Goods are so closely related to the goods of Opposer as to be likely to

cause confusion, or to cause mistake, or to deceive in violation of Section 2(d) of the Lanham Act, 15 USC §1052(d).

13. Applicant's Mark in Application No. 79/190,155 is highly similar to Opposer's Mark and the Contested Goods are so closely related to the goods of Opposer as to be likely to falsely suggest a connection with Opposer in violation of Section 2(a) of the Lanham Act, 15 USC §1052(a).

14. If Applicant were granted the registration herein opposed, it would obtain at least a *prima facie* exclusive right to use of the Mark in connection with the Contested Goods. Such registration would be a source of injury and damage to Opposer's prior and established rights in Opposer's Mark.

WHEREFORE, Opposer respectfully requests that registration of Applicant's Mark, Application Serial No. 79/190,155, be refused for the Contested Goods and that this opposition be sustained.

The fee required under 37 C.F.R. § 2.6(a)(17) is being paid electronically concurrently with the filing of this Notice of Opposition. If the filing fee is found to be insufficient for any reason, please charge such deficiency to the deposit account.

Respectfully submitted,

By: 

Robyn S. Lederman
Jennifer K. Ziegler

Attorneys/Agents for Opposer

Date: May 8, 2017

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